

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CR. NO. 2:05cr204-C
)
BILLY R. MERCER, JR.)

UNITED STATES OF AMERICA'S MOTION
FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case and states as follows:

On February 24, 2006, this Court entered a Preliminary Order of Forfeiture ordering defendant Billy R. Mercer, Jr. to forfeit One Davis Industries .380 Caliber Pistol, bearing serial number AP 392480;

Notice of this forfeiture and of the intent of the United States to dispose of the firearm in accordance with the law as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property was published in the Montgomery Advertiser newspaper on May 31, June 7 and 14, 2006; and,

No person has filed a petition of interest within that thirty-day period. Therefore, any other third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture as proposed in the attached Order.

Respectfully submitted this 27th day of July, 2006.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2006, I electronically filed the foregoing Motion for Final Order of Forfeiture and Proposed Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Terry F. Moorer, Jeffery C. Duffey and Benjamin Schoettker.**

/s/John T. Harmon

John T. Harmon
Assistant United States Attorney